

"Chapter 16.04B

FIRE CODE

Sections:

16.04B.010	The State Fire Code incorporated.
16.04B.020	Subsection 101.1 amended.
16.04B.030	Subsection 101.3 amended.
16.04B.040	Subsection 103.1.4 amended
16.04B.050	Subsections 103.3.2.1 and 103.3.2.2 amended.
16.04B.060	Subsection 105.8 amended.
16.04B.070	Section 203--B amended.
16.04B.080	Section 206--E amended.
16.04B.090	Section 217--P amended.
16.04B.100	Subsection 901.2.1 amended.
16.04B.110	Subsection 902.2.2.1 amended.
16.04B.120	Subsection 902.4 amended.
16.04B.130	Subsection 903.2 amended.
16.04B.140	Subsection 903.4.2 amended.
16.04B.150	Subsection 1001.4 amended.
16.04B.160	Subsection 1002.1 amended.
16.04B.170	Subsection 1003.1.1 amended.
16.04B.180	Subsection 1003.2.2 amended.
16.04B.190	Subsection 1006.1 amended.
16.04B.200	Subsection 1007.1.1 amended.
16.04B.210	Subsection 1007.2.4.2.3 added.
16.04B.220	Subsection 1007.3.3.6.1 amended
16.04B.230	Subsection 1102.3.1 amended.
16.04B.240	Subsection 1103.2.4 amended.
16.04B.250	Subsection 1103.3.2.7 added.
16.04B.260	Subsection 1114 added.
16.04B.270	Subsections 1212.4 and 1212.5 amended.
16.04B.280	Subsection 5202.4.8 amended.
16.04B.290	Subsection 5202.9 amended.
16.04B.300	Subsection 7901.3.3 added.
16.04B.310	Subsection 7904.4.9.2 amended.
16.04B.320	Subsection 8001.11.3 amended.
16.04B.330	Subsection 8204.3 amended.
16.04B.340	Section 8210 amended.
16.04B.350	Subsection 8212.6 amended.
16.04B.360	Appendix I-A incorporated.
16.04B.370	Appendix I-B incorporated
16.04B.380	Appendix II-A incorporated.
16.04B.390	Appendix II-E incorporated.
16.04B.400	Appendix III-A incorporated.
16.04B.410	Appendix IV-A incorporated.
16.04B.420	Appendix IV-B incorporated.

16.04B.430 NFPA 1141, Standard for fire protection in planned groups incorporated.
16.04B.440 Criminal prosecution.
16.04B.450 Administrative enforcement.

16.04B.010 The State Fire Code incorporated. The State Fire Code as adopted by the State of Hawaii on November 30, 2001 pursuant to Chapter 132, Hawaii Revised Statutes, which code adopts, with modifications, the "Uniform Fire Code, 1997 Edition," herein referred to as the "Uniform Fire Code," as published by the International Fire Code Institute, and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601-2298, and the Western Fire Chiefs Association, 300 N. Main Avenue, Suite 25, Fallbrook, California 92028 and the 1999 Accumulative Supplement to the Uniform Fire Code and the Urban-Wildland Interface Code, is incorporated by reference and made a part hereof, subject to the amendments set forth in this chapter.

16.04B.020 Subsection 101.1 amended. Section 101 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 101.1 to read as follows:

101.1 Title. This code shall be known as the [UNIFORM FIRE CODE,] "Fire Code of the County of Maui," may be cited as such, and will be referred to herein as "this code."

16.04B.030 Subsection 101.3 amended. Section 101 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 101.3 to read as follows:

101.3 Subjects Not Specifically Regulated by this Code. Where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection [Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the

intent of this code] Association's latest published edition shall be the same as meeting the code. See also Section 9001.2.

Nothing herein shall derogate from the power of the chief to determine compliance with codes or standards for those activities or installations within the chief's jurisdiction or responsibility.

16.04B.040 Subsection 103.1.4 amended. Section 103 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 103.1.4 to read as follows:

103.1.4. [Appeals. To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The chief shall be an ex officio member and shall act as secretary of the board. The board of appeals shall be appointed by the executive body and shall hold office at their pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the fire chief, with a duplicate copy to the appellant.] Board of code appeals. Any person desiring to utilize materials or methods of construction other than as specified by this code may apply to the administrative authority for approval. Any denial of such request may be appealed to the board of code appeals as provided in chapter 16.26 of the Maui County Code.

16.04B.050 Subsections 103.3.2.1 and 103.3.2.2 amended. Section 103 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsections 103.3.2.1 and 103.3.2.2 to read as follows:

103.3.2.1 General. Construction or work for which fire department approval is required shall be subject to inspection by the chief and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the

provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

When a plan or other specifications are required to be submitted to the chief under section 132-9, Hawaii Revised Statutes, a plan review fee shall be paid at the time of submitting plans and specifications for review. There is hereby established and created a fund to be known as the "plan review, processing, and inspection revolving fund." The fees collected are hereby deemed appropriated upon receipt and may be expended for salaries (no more than two plan reviewers), fire investigation, training, contracts, materials, supplies, and equipment that will facilitate plan review, public education and for payment of over-time and travel expenses for plan checking, permit processing, inspections and public education. The plan review fee shall be as set forth in the annual budget ordinance and shall be paid prior to the issuance of any building permit. Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in the annual budget.

The chief may authorize the refunding of not more than 50 percent of the plan review fee paid when any applicant withdraws or cancels the application before any plan reviewing is done.

103.3.2.2 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the chief that such work is ready for inspection. The chief is authorized to require that every request for inspection be filed not less than one working day before such inspection is desired. Such requests may be in writing or by telephone at the option of the chief.

It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work. All inspections shall take place between the hours of 8:00 a.m. to 4:30 p.m. (0800 to 1630 hours), Monday through Friday, excluding holidays. A fee as set forth in the annual budget with a two-hour minimum shall be assessed for any inspection conducted outside normal business hours for the convenience of the requestee or permittee. A fee may be

assessed for each reinspection when corrections or portion of work have not been made or completed during the initial inspection. The reinspection fee shall be set forth in the annual budget.

16.04B.060 Subsection 105.8 amended. Section 105 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 105.8 to read as follows:

105.8 Permit Required. [A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:

a.1. **Aerosol products.** To store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (226.8 kg) net weight. See Article 88.

a.2. **Aircraft refueling vehicles.** To operate aircraft refueling vehicles. See Article 24.

a.3. **Aircraft repair hangar.** To use any structure as an aircraft hangar for the purpose of servicing or repairing aircraft. See Article 24.

a.4. **Asbestos removal.** To conduct asbestos-removal operations regulated by Article 87.

Assembly. See "places of assembly."

a.5. **Automobile wrecking yard.** To operate an automobile wrecking yard. See Article 34.

b.1. **Battery system.** To install or operate stationary lead-acid battery systems having a liquid capacity of more than 100 gallons (378.5 L). See Article 64.

b.2. **Bowling pin or alley refinishing.** To conduct a bowling pin refinishing or bowling alley resurfacing operation involving the use and application of flammable liquids or materials. See Article 26.

c.1. **Candles and open flames in assembly areas.** To use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. For definition of ASSEMBLY, see Article 2. See Article 25 for open flame and candles.

c.2. **Carnivals and fairs.** To conduct a carnival or fair. See Article 25.

c.3. **Cellulose nitrate film.** To store, handle, use or display cellulose nitrate film. See Article 33.

c.4. **Cellulose nitrate storage.** To store or handle more than 25 pounds (11.3kg) of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin). See Article 27.

c.5. **Combustible fiber storage.** To store or handle combustible fibers in quantities in excess of 100 cubic feet (2.83m³). See Article 28.

c.6. **Combustible material storage.** To store more than 2,500 cubic feet (70.8m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber or cork, or other similarly combustible material. See Article 11.

c.7. **Compressed gases.** To store, use or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 105-A. When the compressed gases in use or storage exceed the amounts listed in Table 105-A, a permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

EXCEPTIONS: 1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 8001.13. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

c.8. **Commercial rubbish-handling operation.** To operate a commercial rubbish-handling operation. See Article 11.

c.9. **Cryogens.** Except where federal or state regulations apply and except for fuel systems of the vehicle, to produce, store or handle cryogens in excess of the amounts listed in Table 105-B.

d.1. **Dry cleaning plants.** To engage in the business of dry cleaning or to change to a more hazardous cleaning solvent. Such permits shall prescribe the class of system to be used. See Article 36.

d.2. **Dust-producing operations.** To operate a grain elevator, flour starch mill, feed mill, or

plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operation producing combustible dusts as defined in Article 2. See Articles 30 and 76.

e.1. **Explosives or blasting agents.** For permits for explosives or blasting agents, see Article 77.

f.1. **Fire hydrants and water-control valves.** For a permit to use a fire hydrant or operate a water-control valve intended for fire-suppression purposes, see Article 9.

f.2. **Fireworks.** For permits for fireworks, see Article 78.

f.3 **Flammable or combustible liquids.** See Article 79.

1. To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To store, handle or use Class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the chief, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building or in excess of 60 gallons (227.1 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible

liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service or otherwise

dispose of a flammable or combustible liquid tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

f.4. **Fruit ripening.** To operate a fruit-ripening process regulated by Article 46.

f.5. **Fumigation or thermal insecticidal fogging.** To operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. See Article 47.

h.1. **Hazardous materials.** To store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105-C or to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Article 80 when the hazardous materials in use or storage exceed the amounts listed in Table 105-C.

h.2. **High-piled combustible storage.** To use any building or portion thereof as a high-piled storage area exceeding 500 square feet (46.45m²) (see definition in Article 81). Plans shall be submitted with applications for such permits in accordance with Article 81.

h.3. **Hot-work operations.** Permits are required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.

2. Use of portable hot-work equipment inside a structure.

EXCEPTION: Work that is conducted under a construction permit issued by the building official.

3. Fixed-site hot-work equipment such as welding booths.

4. Hot work conducted within a Hazardous Fire Area.

1.1 **Liquefied petroleum gases.** See Article 82.

1. To store, use, handle or dispense LP-gas.

2. To install or maintain LP-gas containers.
- 1.2. **Liquid-or-gas-fueled vehicles or equipment in assembly buildings.** To display, compete or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings. See Article 25.
- 1.3. **Lumber yards.** To store lumber in excess of 100,000 board feet (9290.3m² surface area of lumber 25.4mm in thickness). See Article 30.
- m.1. **Magnesium working.** To melt, cast, heat treat or grind more than 10 pounds (4.54kg) of magnesium per working day. See Article 48.
- m.2. **Mall, covered.** See Article 35. To use a covered mall in the following manner:
1. Placing or constructing temporary kiosks, display booths, concession equipment or the like in the mall.
 2. To use a mall as a place of assembly.
 3. To use open-flame or flame-producing devices.
 4. To display any liquid- or gas-fueled powered equipment.
- m.3. **Motor vehicle fuel-dispensing stations.** To dispense flammable or combustible liquids, liquefied petroleum gases or compressed natural gas at motor vehicle fuel-dispensing stations. See Article 52.
- Nitrate film.** See "cellulose nitrate film."
- o.1. **Open burning.** To conduct open burning. Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. See Section 1102.3.
- o.2. **Organic coatings.** To manufacture more than 1 gallon (3.79 L) of organic coatings in a working day. See Article 50.
- o.3. **Ovens, industrial baking or drying.** To operate an industrial baking or drying oven regulated by Article 62.
- p.1. **Parade floats.** To use a parade float for public performance, presentation, spectacle, entertainment or parade. See Section 1104.
- p.2. **Places of assembly.** To operate a place of assembly. See Article 25.

p.3. **Pyrotechnical special effects material.** For permits for pyrotechnical special effects material, see Article 78.

r.1. **Radioactive materials.** To store or handle at any installation more than 1 microcurie (37000 becquerel) of radioactive material not contained in a sealed source or more than 1 millicurie (37000000 becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required. See Article 80.

r.2. **Refrigeration equipment.** To install or operate a mechanical refrigeration unit or system regulated by Article 63.

r.3. **Repair garages.** To use a structure as a place of business for servicing or repairing motor vehicles. See Article 29.

s.1. **Spraying or dipping.** To conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Article 45.

t.1. **Temporary membrane structures, tents and canopies.** To erect or operate an air-supported temporary membrane structure or tent having an area in excess of 200 square feet (18.6m²), or a canopy in excess of 400 square feet (37.2m²), except for structures used exclusively for camping. See Article 32.

t.2. **Tire storage.** To use an open area or portion thereof to store tires in excess of 1,000 cubic feet (28.3m³). See Section 1103.3.6.

w.1. **Wood products.** To store chips, hogged material, lumber or plywood in excess of 200 cubic feet (5.67m³). See Article 30.

TABLE 105-A--PERMIT AMOUNTS FOR COMPRESSED GASES¹

TYPE OF GAS	AMOUNT (cubic feet) ²
	x 0.0283 for m ³
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Irritant	200
Other health hazards	650
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any amount
Unstable (reactive)	Any amount

¹See Articles 49, 52, 63, 74, 80 and 82 for additional requirements and exceptions.

²Cubic feet measured at normal temperature and pressure.

TABLE 105-B--PERMIT AMOUNTS FOR CRYOGENS¹

TYPE OF CRYOGEN	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
	x 3.785 for L	
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes oxygen)	10	50

¹See Article 75.

TABLE 105-C--PERMIT AMOUNTS FOR HAZARDOUS MATERIALS¹

TYPE OF MATERIAL		AMOUNT
		X 0.4536 for lbs. to kg x 3.785 for gal. to L
Carcinogens		10 pounds
Cellulose nitrate		See No. c.4
Combustible fiber		See No. c.5
Combustible liquids		See No. f.3
Corrosive gases		See No. c.7
Corrosive liquids		55 gallons
Corrosive solids		500 pounds
Cryogenics		See No. c.9
Explosives		See No. e.1
Flammable gases		See No. c.7
Flammable liquids		See No. f.3
Flammable solids		100 pounds
Highly toxic gases (including pesticides and fumigants)		See No. c.7
Highly toxic liquids and solids (including pesticides and fumigants)		Any amount
Irritant liquids		55 gallons
Irritant solids		500 pounds
Liquefied petroleum gases		See No. 1.1
Magnesium		See No. m.1
Nitrate film		See No. c.3
Oxidizing gases		See No. c.7
Oxidizing liquids:	Class 4	Any amount
	Class 3	1 gallon
	Class 2	10 gallons
	Class 1	55 gallons
Oxidizing solids:	Class 4	Any amount
	Class 3	10 pounds
	Class 2	100 pounds
	Class 1	500 pounds
Organic peroxide liquids and solids:	Class I	Any amount
	Class II	Any amount
	Class III	10 pounds
	Class IV	20 pounds
Other health hazards:	Liquids	55 gallons
	Solids	500 pounds
Pyrophoric gases		See No. c.7
Pyrophoric liquids		Any amount
Pyrophoric solids		Any amount
Radioactive materials (including gases, liquids and solids)		See No. c.7 and r.1
Sensitizer liquids		55 gallons
Sensitizer solids		500 pounds
Toxic gases		See No. c.7
Toxic liquids		10 gallons
Toxic solids		100 pounds
Unstable (reactive) gases		See No. c.7
Unstable (reactive) liquids:	Class 4	Any amount
	Class 3	Any amount
	Class 2	5 gallons
	Class 1	10 gallons
Unstable (reactive) solids:	Class 4	Any amount
	Class 3	Any amount
	Class 2	50 pounds
	Class 1	100 pounds
Water-reactive liquids:	Class 3	Any amount
	Class 2	5 gallons
	Class 1	10 gallons
Water-reactive solids:	Class 3	Any amount
	Class 2	50 pounds
	Class 1	100 pounds

¹See Article 80 for additional requirements and exceptions.

It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code without first having obtained such permit.

A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices, or functions:

1. Aircraft refueling vehicles. To operate aircraft refueling vehicles, see Article 24.

2. Aircraft repair hangar. To use any structure as an aircraft hangar for the purpose of servicing or repairing aircraft. See Article 24.

3. Compressed gases. To store, use, or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 105-A. When the compressed gases in use or storage exceed the amounts listed in Table 105-A, a permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

EXCEPTIONS: 1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use, or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to section 8001.13. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver. The permit fee shall be set forth in the annual budget. See Article 74.

4. Explosives materials. For permits for explosives, the fee shall be set forth in the annual budget. See Article 77.

5. Flammable and combustible liquids and tanks. See Article 79.

5.1. To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

5.2. To store, handle or use class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

5.2.a. The storage or use of class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in

the opinion of the chief, would cause an unsafe condition.

5.2.b. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance,

painting or similar purposes for a period of not more than 30 days.

5.3. To store, handle or use class II or class III-A liquids in excess of 25 gallons (94.6 L) in a building or in excess of 60 gallons (227.1 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

5.4. To remove class I or class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5.5. To install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

5.6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

5.7. To change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

5.8. Tanks of more than 60 gallons to 4,999 gallons, a fee for each tank shall be set forth in the annual budget.

5.9. Tanks of 5,000 gallons or more, a fee for each tank shall be set forth in the annual budget.

6. **Hazardous materials.** To store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105-B or to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Article 80 when the hazardous materials in use or storage exceed the amounts listed in Table 105-B.

For each site and for each chemical class at quantities specified in this section, a fee shall be set forth in the annual budget. See Article 80.

7. **Liquefied petroleum gases.** See Article 82.

7.1. To store, use, handle or dispense LP-gas.

7.2. To install or maintain LP-gas tanks.

7.3. All fixed, permanent commercial use of LP-gas tanks that are filled on site shall require a permit at a fee as set forth in the annual budget.

7.4. All tanks greater than 124 gallons in size shall require a permit at a fee as set forth in the annual budget.

8. Places of assembly. To operate a place of assembly. See Article 25. Occupancy load of 300 or more in permitted structures, at a fee as set forth in the annual budget.

9. Pyrotechnical special effects material. For permits for pyrotechnical special effects material, see Article 78.

10. Spraying or dipping. To conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Article 45.

11. Tents, canopies and temporary structures. To erect or operate an air-supported temporary membrane structure or tent having an area in excess of 700 square feet (37.2m²), except for structures used exclusively for camping and private functions not open to the public; a fee as set forth in the annual budget for each structure. See Article 32.

TABLE 105-A--PERMIT AMOUNTS FOR COMPRESSED GASES¹

TYPE OF GAS	AMOUNT (cubic feet) ²
	x 0.0283 for m ³
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Irritant	200
Other health hazards	650
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any amount
Unstable (reactive)	Any amount

¹See Articles 49, 52, 63, 74, 80 and 82 for additional requirements and exceptions.

²Cubic feet measured at normal temperature and pressure.

TABLE 105-B--PERMIT AMOUNTS FOR HAZARDOUS MATERIALS¹

TYPE OF MATERIAL		AMOUNT
		X 0.4536 for lbs. to kg x 3.785 for gal. to L
Carcinogens		10 pounds
Cellulose nitrate		See No. c.4
Combustible fiber		See No. c.5
Combustible liquids		See No. f.3
Corrosive gases		See No. c.7
Corrosive liquids		55 gallons
Corrosive solids		500 pounds
Cryogenics		See No. c.9
Explosives		See No. e.1
Flammable gases		See No. c.7
Flammable liquids		See No. f.3
Flammable solids		100 pounds
Highly toxic gases (including pesticides and fumigants)		See No. c.7
Highly toxic liquids and solids (including pesticides and fumigants)		Any amount
Irritant liquids		55 gallons
Irritant solids		500 pounds
Liquefied petroleum gases		See No. 1.1
Magnesium		See No. m.1
Nitrate film		See No. c.3
Oxidizing gases	Class 4	See No. c.7
Oxidizing liquids:	Class 3	Any amount
	Class 2	1 gallon
	Class 1	10 gallons
	Class 4	55 gallons
Oxidizing solids:	Class 3	Any amount
	Class 2	10 pounds
	Class 1	100 pounds
Organic peroxide liquids and solids:	Class 4	500 pounds
	Class I	Any amount
	Class II	Any amount
	Class III	10 pounds
	Class IV	20 pounds
Other health hazards:	Liquids	55 gallons
	Solids	500 pounds
Pyrophoric gases		See No. c.7
Pyrophoric liquids		Any amount
Pyrophoric solids		Any amount
Radioactive materials (including gases, liquids and solids)		See No. c.7 and r.1
Sensitizer liquids		55 gallons
Sensitizer solids		500 pounds
Toxic gases		See No. c.7
Toxic liquids		10 gallons
Toxic solids		100 pounds
Unstable (reactive) gases		See No. c.7
Unstable (reactive) liquids:	Class 4	Any amount
	Class 3	Any amount
	Class 2	5 gallons
	Class 1	10 gallons
Unstable (reactive) solids:	Class 4	Any amount
	Class 3	Any amount
	Class 2	50 pounds
	Class 1	100 pounds
Water-reactive liquids:	Class 3	Any amount
	Class 2	5 gallons
	Class 1	10 gallons
Water-reactive solids:	Class 3	Any amount
	Class 2	50 pounds
	Class 1	100 pounds

¹See Article 80 for additional requirements and exceptions.

16.04B.070 Section 203--B amended. Section 203--B

of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending the definition of "Building Code" to read as follows:

BUILDING CODE is the [Building Code] building code [adopted by this jurisdiction. See the Uniform Building

Code, promulgated by the International Conference of Building Officials.] as set forth in chapter 16.26.

16.04B.080 Section 206--E amended. Section 206--E of the Uniform Fire Code is amended by amending the definition of "Electrical Code" to read as follows:

ELECTRICAL CODE is the [Electrical Code adopted by this jurisdiction. See the National Electrical Code, promulgated by the National Fire Protection Association.] electrical code as set forth in chapter 16.18A.

16.04B.090 Section 217--P amended. Section 217--P of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending the definition of "Plumbing Code" to read as follows:

PLUMBING CODE is the [Plumbing Code adopted by this jurisdiction.] plumbing code as set forth in chapter 16.20A.

16.04B.100 Subsection 901.2.1 amended. Section 901 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 901.2.1 to read as follows:

901.2.1 Permits. [A permit is required to] No person shall use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. [See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.]

Permission from the department of water supply shall be obtained to use, alter or access fire protection equipment. This shall not apply to persons employed to maintain such systems or employees of the department of fire and public safety when in the performance of such duties.

16.04B.110 Subsection 902.2.2.1 amended. Section 902 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 902.2.2.1 to read as follows:

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115mm). All fire apparatus access ways, for new or proposed subdivisions, shall have a clear width of 32 feet.

EXCEPTION: 1. Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

2. When a lot size in the proposed subdivision is greater than 20,000 square feet, the requirements of this section may be modified.

3. When special design subdivisions are approved by the chief, the requirements of this section may be modified.

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

16.04B.120 Subsection 902.4 amended. Section 902 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 902.4 to read as follows:

902.4 Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be manufactured by a company listed by the Underwriters Laboratory (U.L.) and shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

16.04B.130 Subsection 903.2 amended. Section 903

of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 903.2 to read as follows:

903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. See Section 903.4.

All Group R, Division 3, or Group U Occupancies more than 700 square feet in total area shall be within 500 feet of an approved fire hydrant or standpipe as measured by an approved route. If the proposed building area has no water supply for fire protection, the guidelines in NFPA 1142 (Water supplies for Suburban and Rural Fire Fighting) shall apply.

16.04B 140 Subsection 903.4.2 amended. Section 903

of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 903.4.2. to read as follows:

903.4.2 Required installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. [See Appendix III-B.] Fire flow, hydrant spacing and duration shall be determined by land use as follows: Agriculture, 500 GPM, and 500 feet spacing between hydrants. Rural, 1000 GPM, and 500 feet spacing between hydrants. Single family, 1000 GPM, and 350 feet spacing between hydrants. Duplex, 1250 GPM, and 350 feet between hydrants. Townhouse and low rise apartments, 1500 GPM, and 250 feet spacing between hydrants. Businesses, high rise apartments, and light industry, 2000 GPM and 250 feet spacing between hydrants. Heavy industry and

hotels, 2500 GPM and 250 feet hydrant spacing. The duration for all required fire flow shall be 2 hours. On dead-end streets, the last fire hydrant shall be located at one-half the spacing distance from the dead-end. Spacing of fire hydrants shall be measured along the roadway.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

16.04B 150 Subsection 1001.4 amended. Section 1001 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1001.4 to read as follows:

1001.4 Installation Acceptance Testing. Fire alarm systems; fire hydrant systems; fire-extinguishing systems, standpipes, and other fire-protection systems and appurtenances thereto shall meet the approval of the fire department as to installation and location and shall be subject to such acceptance tests as required by the chief.

Condition of acceptance of halon and clean agent systems shall be satisfactory passage of a test conducted in accordance with nationally recognized standards prior to final acceptance of the system.

Fire alarm and detection systems shall be tested in accordance with UFC Standard 10-2 and nationally recognized standards.

See Section 9003, standard n.2.5.

All new fire suppression systems for commercial cooking shall be tested with the balloon method of testing.

16.04B.160 Subsection 1002.1 amended. Section 1002 of the Uniform Fire Code is amended by amending subsection 1002.1 to read as follows:

1002.1 General. Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief.

No person shall maintain, repair, fill, or refill any portable fire extinguisher unless that person has obtained a license issued by the chief of the City and County of Honolulu authorizing that person to maintain, repair, fill, or refill portable fire extinguishers.

Portable fire extinguishers shall be in accordance with [UFC Standard 10-1] the National Fire Protection Association's Standard 10.

16.04B.170 Subsection 1003.1.1 amended. Section 1003 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1003.1.1 to read as follows:

1003.1.1 General. Fire-extinguishing systems shall be installed in accordance with the Building Code and Section 1003.

Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved.

[The location of fire department hose connections shall be approved.

In buildings used for high-piled combustible storage, fire protection shall be in accordance with Article 81.]

Fire department hose connections shall be: located within 20 feet of an approved fire access road; not less than 18 inches or more than 40 inches above grade; within 100 feet of a fire hydrant; and not closer than 40 feet to the building it is serving.

16.04B.180 Subsection 1003.2.2 amended. Section 1003 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1003.2.2 to read as follows:

1003.2.2 All occupancies except Group R, Division 3 and Group U Occupancies. Except for Group R, Division 3 and Group U Occupancies, an automatic sprinkler system shall be installed:

1. In every story or basement of all buildings when the floor area exceeds 1,500 square feet (139.4m²) and there is not provided at least 20 square feet (1.86m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15 240mm) or fraction thereof of exterior wall in the story or basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches (762mm). Such openings shall be accessible to the fire department from the exterior and

shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860mm) from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet (22 860mm) from openings required in Section 1003.2.2, the basement shall be provided with an approved automatic sprinkler system.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

3. In rooms where nitrate film is stored or handled. See also Article 33.

4. In protected combustible fiber storage vaults as defined in Article 2. See also Article 28.

5. Throughout all buildings with a floor level with an occupant load of 30 or more that is located 55 feet (16 764mm) or more above the lowest level of fire department vehicle access.

6. In all new buildings with a floor area greater than 5,000 square feet with an average ceiling height greater than 16 feet.

EXCEPTION: 1. Airport control towers.
2. Open parking structures.
3. Group F, Division 2 Occupancies.

16.04B.190 Subsection 1006.1 amended. Section 1006 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1006.1 to read as follows:

1006.1 Ventilating Hood and Duct Systems. A ventilating hood and duct system shall be provided in accordance with [the Mechanical Code] NFPA 96 for commercial-type food heat-processing equipment that produces grease-laden vapors. In addition to the reduction of clearances to combustibles specified in NFPA 96, clearances to combustibles may be reduced to 6 inches with the use of two layers of 5/8 inches type x gypsum board properly taped and finished. A minimum head clearance of 6 feet 8 inches, measured from bottom of

canopy to actual finished floor, shall be provided. All existing ventilating hood and duct systems that emit grease-laden vapors shall be in compliance with NFPA 96 within two years of code adoption.

16.04B.200 Subsection 1007.1.1 amended. Section 1007 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1007.1.1 to read as follows:

1007.1.1 Applicability. Installation and maintenance of fire alarm systems shall be in accordance with Section 1007 and NFPA 72 (National Fire Alarm Code).

Only one fire alarm panel shall be installed per complex or address. Multiple panels shall be connected to one supervisory panel where required.

16.04B.210 Subsection 1007.2.4.2.3 added. Section 1007 of the Uniform Fire Code, as amended by the State Fire Code, is amended by adding thereto a new subsection 1007.2.4.2.3 to be designated and to read as follows:

1007.2.4.2.3 Educational occupancies. All educational occupancies that allow sleeping shall be equipped with smoke detectors. When the facility is monitored by a fire alarm system, the smoke detectors shall be connected to the fire alarm system.

16.04B.220 Subsection 1007.3.3.6.1 amended. Section 1007 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1007.3.3.6.1 to read as follows:

1007.3.3.6.1 General. When required by the chief, fire alarm systems shall be monitored by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location. All approved monitoring stations shall meet the requirements of NFPA 72, National Fire Alarm Code. All annunciation panels shall provide a legible readout describing the type of alarm received. All existing panels shall be retrofitted to provide a

legible readout describing the type of alarm received. This readout shall be reduced to written format for fire department use. When the owner of R-3 occupancies (single-family dwellings) voluntarily has the fire alarm system monitored by a central or remote station, such systems shall meet the requirements of NFPA 70, National Electrical Code, and NFPA 72, National Fire Alarm Code, and shall be constantly monitored for trouble and supervisory signals; and shall be tested annually, and cleaned, if necessary, on or before the anniversary date of their original installation, by qualified and licensed service personnel. All existing systems shall be in compliance with this section within one year of code adoption.

16.04B.230 Subsection 1102.3.1 amended. Section 1102 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1102.3.1 to read as follows:

1102.3.1 General. Open burning shall be conducted in accordance with Section 1102.3 Open burning shall also be conducted as required by other governing agencies regulating emissions.

The following kinds of open fires are not subject to state air pollution laws. Control of these fires shall be by permit as set forth in Subsection 105.8, unless otherwise stated:

1. Fires for cooking of food. No permit is required for the cooking of food in an imu, hibachi, barbecue pit, stove, oven, smoker, or other cooking appliance, but all reasonable safety practices shall be observed when maintaining an open fire for the cooking of food. Persons responsible for imu fires shall telephone the fire dispatch center on the non-emergency number 15 minutes before lighting the imu fire.

2. Fires for recreational, decorative, or ceremonial purposes. No permit is required for fires for recreational, decorative, or ceremonial purposes, but all reasonable safety practices shall be observed when maintaining an open fire for these purposes. Persons responsible for these types of fires shall telephone the fire prevention bureau to discuss their plans for these fires. If these fires will be observed by the general public, persons responsible shall also telephone the fire dispatch center on the non-emergency number 15 minutes before lighting the fires.

3. Fires to abate a fire hazard. A permit shall be obtained for a fire to abate a fire hazard. Abatement of a fire hazard shall take place on property owned by the permittee, or with the permission of the owner, on property 2 acres or more in size, and shall be subject to the following conditions:

3.1. The burn pile shall be no more than 8 feet in diameter, and no more than 4 feet high. Combustibles may be added to a burning pile to maintain the maximum size of the pile allowed, but the burn pile shall be the only pile burning at any time.

3.2. All burning shall be done not less than 100 feet from any building, structure, grass, brush, or other combustibles.

3.3. The burn pile shall be arranged to prevent soil and combustibles overlapping in a manner that may cause burning underground and flare-up at a later time.

3.4. Permittee shall not transport, or cause to be brought upon the burn site, any other materials to be burned.

3.5. Permittee shall not use gasoline or any explosive types of flammables to start or continue the burn.

3.6. All debris hauled from the burn site shall be completely extinguished before loading for transport.

3.7. Permittee shall not burn before sunrise nor after 6:00 p.m., by which time the fire shall be completely extinguished.

3.8. Permittee shall burn only during "no wind" conditions. If during burning the wind picks up, or smoke or embers become a hazard or a nuisance to neighbors, all fires shall be extinguished.

3.9. Permittee shall have a constant water supply and sufficient hose to reach all areas of the fire, and other fire extinguishing equipment specifically approved by the department of fire and public safety.

3.10. Permittee shall have at least two capable adults responsible for constantly attending the fire until it is completely extinguished.

3.11. Permittee shall have a person available on a 24-hour basis to be summoned should there be a flare-up or rekindling of the fire.

3.12. Permittee shall notify the fire prevention bureau 48 hours in advance of the initial burning for an on-site inspection. Permittee shall also notify the fire station in permittee's area before lighting the fire.

Permittee shall provide starting and extinguishing times and weather conditions in permittee's area.

3.13. Permittee shall notify the police station in permittee's area of the burning and extinguishing times.

3.14. The issuance of a permit to abate a fire hazard shall not release permittee from any obligation to obtain a permit from the state division of forestry and wildlife or a fire warden pursuant to chapter 185, Hawaii Revised Statutes.

3.15. During fire danger periods, as established by a fire warden, no fires shall be permitted within 500 feet of forest, pasture, or brush lands unless a permit is first obtained from the state division of forestry and wildlife or a fire warden.

3.16. The issuance of a permit by the division of forestry and wildlife or a fire warden shall not release permittee from the requirement to obtain a permit for a fire to abate a fire hazard.

3.17. A hold harmless and indemnification statement, which shall be part of the permit application, shall be signed by the permittee in the presence of a notary public. The hold harmless and indemnification statement shall also be signed and notarized by the owner of the burn site if the permittee is not the owner of the property.

3.18. If smoke and odors become a nuisance to neighboring property tenants, the fire shall be immediately extinguished.

3.19. The department of fire and public safety, department of police, or state department of health may cancel any permit for the abatement of a fire hazard if any condition of this subsection is not followed.

3.20. The permit to abate a fire hazard shall be in effect for a period not to exceed 30 calendar days.

4. Fires for prevention or control of disease or pests. A permit shall be obtained for a fire for the prevention or control of disease or pests. Permittee shall follow the requirements of Subsection 105.8.

5. Fires for training of fire fighting personnel. Fires for the training of fire fighting personnel shall follow the guidelines of the National Fire Protection Association's Standard 1403, the department of fire and public safety procedures manual, and shall be conducted only with the approval of the chief.

6. Fires for disposal of dangerous materials. A permit shall be obtained for a fire for the disposal of dangerous materials. The permittee shall follow requirements of Subsection 105.8 and any state and

national standards pertaining to the disposal of the particular dangerous material.

7. Fires for residential bathing purposes. A permit shall be obtained for fires for residential bathing purposes. These fires shall follow the guidelines in this code and the building code so as not to create a fire hazard.

8. Agricultural fires permitted by the state department of health. A permit shall be obtained from the department of health for agricultural fires. The size of the fire and the manpower and equipment required to control the agricultural fire shall be consistent with the department of health's rules for agricultural fires.

EXCEPTION: Recreational fires shall be in accordance with Subsection 1102.4.

16.04B.240 Subsection 1103.2.4 amended. Section 1103 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 1103.2.4 to read as follows:

1103.2.4 Combustible vegetation. Cut or uncut weeds, grass, vines and other vegetation shall be removed and maintained throughout the calendar year when determined by the chief to be a fire hazard. When the chief determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.

When a second violation within a calendar year occurs, the owner may be subject to a fine of not more than \$1,000.

16.04B.250 Subsection 1103.3.2.7 added. Section 1103 of the Uniform Fire Code, as amended by the State Fire Code, is amended by adding thereto a new subsection 1103.3.2.7 to be designated and to read as follows:

1103.3.2.7 Tire storage areas - 1500 square feet or more. 1. Main aisle. The main aisle shall not be less than 6 feet in clear width.

2. Window clearance. Tires shall not be stored within 3 feet of any window opening in an exterior wall.

3. Clearance. The clearance from the top of tire storage to sprinkler deflectors, ceiling or roofs shall not be less than 3 feet, and adequate clearance shall be maintained to light fixtures to prevent possible ignition.

4. Smoking. Smoking shall be prohibited in tire storage areas, except in protected or isolated locations designated as smoking areas. "NO SMOKING" signs with at least 3 inch lettering shall be conspicuously posted in prohibited areas.

16.04B.260 Section 1114 added. Article 11 of the Uniform Fire Code, as amended by the State Fire Code, is amended by adding thereto a new section 1114 to be designated and to read as follows:

SECTION 1114--FIRE DEPARTMENT COMMUNICATION

When required by the chief, a booster antennae or similar device shall be installed in a building to maintain radio communication for emergency personnel.

16.04B.270 Subsection 1212.4 amended. Section 1212 of the Uniform Fire Code is amended by amending subsections 1212.4 and 1212.5 to read as follows:

1212.4 Illumination. Exit signs shall be internally or externally illuminated. When the face of an exit sign is illuminated from an external source, it shall have an intensity of not less than 5 footcandles (54 lx) from either of two electric lamps. Internally illuminated signs shall provide equivalent luminance and be listed for the purpose.

[EXCEPTION: Approved self-luminous signs that provide evenly illuminated letters that have a minimum luminance of 0.06 foot lambert (0.21 cd/m²).]

Self-luminous exit signs shall not be used.

1212.5 Power Source. All exit signs shall be illuminated at all times. To ensure continued illumination for a duration of not less than 1 ½ hours in case of primary power loss, the exit signs shall additionally be connected to an emergency electrical system provided from storage batteries, unit equipment or an on-site generator set and the system shall be installed in accordance with the Electrical Code. For

high-rise buildings, see Section 403 of the Building Code.

[EXCEPTION: Approved self-luminous signs that provide continuous illumination independent of an external power source.]

Self-luminous exit signs shall not be allowed. Any building with 4 or more illuminated exit signs shall be required to have power on a dedicated circuit.

16.04B.280 Subsection 5202.4.8 amended. Section

5202 of the Uniform Fire Code is amended by amending subsection 5202.4.8 to read as follows:

5202.4.8 Special-type dispensers. Approved special-dispensing systems such as, but not limited to, coin-operated and remote preset types, are allowed at motor vehicle fuel-dispensing stations, provided there is at least one qualified attendant on duty while the station is open to the public, and:

1. The attendant or supervisor on duty shall be capable of performing the functions and assuming the responsibilities set forth in Sections 5201 and 5202.4.5[.];

2. Instructions for the operation of dispensers shall be conspicuously posted[.];

3. Remote preset-type devices shall be set in the off position while not in use so that the dispenser cannot be activated without the knowledge of the attendant[.];

4. The dispensing device shall be in clear view of the attendant at all times and obstacles shall not be placed between the dispensing devices and the attendant, and television cameras shall be installed in all locations where attendant's clear view is impaired. Television monitors shall be installed at the attendant's location for clear viewing of all fuel dispensing activities; and

5. The attendant shall be able to communicate with persons in the dispensing area at all times. No person under the age of 15 shall be permitted to operate a fuel dispensing system. A sign on the station premises shall be conspicuously posted prohibiting operation of the fuel dispensing system by persons under the age of 15.

16.04B.290 Subsection 5202.9 amended. Section 5202 of the Uniform Fire Code is amended by amending subsection 5202.9 to read as follows:

5202.9 Fire Protection. A fire extinguisher with a minimum rating of [2-A, 20-B:C] 4-A:60-B:C shall be provided and located such that it is not more than 75 feet (22 860mm) from any pump, dispenser, or fill-pipe opening.

16.04B.300 Subsection 7901.3.3 added. Section 7901 of the Uniform Fire Code is amended by adding thereto a new subsection 7901.3.3 to be designated and to read as follows:

7901.3.3. No supplier shall fill or cause to be filled, a unpermitted fuel tank or other vessel, if required. It is the suppliers responsibility to request and be presented with a copy of the approved permit issued by the authority having jurisdiction. Enforcement shall be carried out as adopted in chapter 16 of the Maui County Code.

16.04B.310 Subsection 7904.4.9.2 amended. Section 7904 of the Uniform Fire Code is amended by amending subsection 7904.4.9.2 to read as follows:

7904.4.9.2 Portable fire extinguishers. Fire protection shall be in accordance with article 10 and the following:

Suitable portable fire extinguishers with a rating of not less than [20-B] 4-A:60-B:C shall be located within 75 feet (22 860 mm) of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

16.04B.320 Section 8001.11.3 amended. Section 8001 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection 8001.11.3 to read as follows:

8001.11.3 Protection from vehicles. Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1. Constructed of steel not less than 4 inches (101.6 mm) in diameter and concrete filled[,];
2. Spaced not more than 4 feet (1219 mm) between posts on center[,];
3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter[,];
4. Set with the top of the posts not less than 3 feet (914 mm) above ground[,]; and
5. Located not less than 5 feet (1524 mm) from the tank.

Tanks containing flammable and combustible liquids, not exceeding 500 gallons capacity, may have guard posts not less than 3 feet from tank when not for dispensing purposes.

1604B.330 Subsection 8204.3 amended. Section 8204 of the Uniform Fire Code is amended by amending subsection 8204.3 to read as follows:

8204.3 Container Location. Containers shall be located with respect to buildings, public ways, and lines of adjoining property which can be built on in accordance with Table 8204-A.

Containers shall also be located with respect to special hazards such as aboveground flammable or combustible liquid tanks, oxygen or gaseous hydrogen containers, flooding or electric power lines as specified in UFC Standard 82-1, Section 3-2.2.6.

A wall, fence or other constructed barrier shall not be allowed to reduce the required distance as stated in Table 8204-A unless approved by the fire chief or his authorized designee. Proper container location shall be in accordance with Table 8204-A and shall be the responsibility of the installer and supplier.

16.04B.340 Section 8210 amended. Section 8210 of the Uniform Fire Code is amended to read as follows:

SECTION 8210-PROTECTING CONTAINERS FROM VEHICLES

When exposed to probable vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be [suitably protected] protected in accordance with subsection 8001.11.3 of this code.

16.04B.350 Subsection 8212.6 amended. Section 8212 of the Uniform Fire Code is amended by amending subsection 8212.6 to read as follows:

8212.6 Storage on roofs. Containers which are not connected for use shall not be stored on roofs. No LPG container(s), greater than 2 gallons in size, shall be stored or used above the first floor for commercial establishments and R-1 occupancies.

16.04B.360 Appendix I-A incorporated. Appendix I-A of the Uniform Fire Code, pertaining to life-safety requirements for existing buildings other than high rise, is adopted.

16.04B.370 Appendix I-B incorporated. Appendix I-B of the Uniform Fire Code, pertaining to life-safety requirements for existing high-rise buildings, is adopted.

16.04B.380 Appendix II-A incorporated. Appendix II-A of the Uniform Fire Code, pertaining to suppression and control of hazardous fire areas, is adopted.

16.04B.390 Appendix II-E incorporated. Appendix II-E of the Uniform Fire Code, pertaining to hazardous

materials management plans and hazardous materials inventory statements, is adopted.

16.04B.400 Appendix III-A incorporated. Appendix III-A of the Uniform Fire Code, pertaining to fire flow requirements for buildings, is adopted.

16.04B.410 Appendix IV-A incorporated. Appendix IV-A of the Uniform Fire Code, pertaining to interior floor finish, is adopted.

16.04B.420 Appendix IV-B incorporated. Appendix IV-B of the Uniform Fire Code, pertaining to Christmas trees, is adopted.

16.04B.430 NFPA 1141 Standard for fire protection in planned groups incorporated. National Fire Protection Association 1998 Edition NFPA 1141, Standard for Fire Protection in Planned Building Groups, is adopted.

16.04B.440 Criminal prosecution. 1. Any violation under this chapter shall be punishable by a fine of not more than \$1,000 or six months in jail, or both, no part of which may be suspended. The continuation of any violation shall be deemed a new violation for each day of such continuance.

2. The County may maintain an action for an injunction to restrain any violation of this chapter and may take any other lawful action to prevent or remedy any violation.

3. The chief and members of the fire prevention bureau may arrest, without warrant, alleged violators by issuing a summons or citation in accordance with the procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.

4. Personnel making an arrest for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a

written summons or citation, notifying the alleged violator to answer at a place and at a time provided in the summons or citation.

5. There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and rules of the state and the County.

6. In every case where a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

7. Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

16.04B.450 Administrative enforcement. 1. In lieu of, or in addition to, enforcement by criminal prosecution, if the chief determines that any person is violating this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the chief may have the person served, by mail or personal delivery, with a notice of violation and order.

2. The notice of violation and order shall include the following information:

2.1. Date of the notice;

2.2. The name and address of the person noticed;

2.3. The section number of the provision or rule, or the number of the permit which has been violated;

2.4. The nature of the violation; and

2.5. The location and time of the violation.

3. The notice of violation and order may require the person to do any or all of the following:

3.1. Cease and desist from the violation;

3.2. Correct the violation at the person's own expense before a date specified in the order;

3.3. Pay a civil fine not to exceed \$1,000 in the manner, at the place, and before the date specified in the order;

3.4. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

4. The notice of violation and order shall advise the person that the order shall become final thirty days after the date of its mailing or delivery. The order shall also advise that the chief's action may be appealed to the board of variances and appeals.

5. The order issued by the chief under this section shall become final 30 days after the date of the mailing or delivery of the order. The person may appeal the order to the board of variances and appeals. However, an appeal to the board of variances and appeals shall not stay any provision of the order.

6. The chief may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by the order, the chief need only show that the notice of violation and order was served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner nor paid.

7. The chief may adopt rules to implement this chapter.

SECTION 4. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions.

SECTION 5. Work performed under a permit issued before the effective date of this ordinance and which is inspected on or after the effective date shall be approved if it meets the requirements of either this code or the code being replaced by this ordinance.

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This ordinance shall take effect July 1, 2006
after its approval.

APPROVED AS TO FORM
AND LEGALITY:



JOHN D. KIM
Deputy Corporation Counsel

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